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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,778	07/24/2003	Yoshinari Morimoto	116571	8193
25944	7590	03/07/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER HUFFMAN, JULIAN D	
			ART UNIT	PAPER NUMBER
			2853	
			MAIL DATE	DELIVERY MODE
			03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Application Number 	Application/Control No. 10/625,778 Stephen Meier	Applicant(s)/Patent under Reexamination MORIMOTO, YOSHINARI Art Unit 2853
Document Code - AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 1/30/07.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: 11, 12 and 55-22.

Claim(s) objected to: 4, 7-9, 13 and 14.


Claim(s) rejected: 1 and 3-23.

Claim(s) withdrawn from consideration: _____.


3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Stephen Meier 

(2) David Blum 

(3) Julian Huffman 

(4) _____


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER

Art Unit: 2853

In the final rejection of 8/31/2006, the examiner stated, "Takahashi discloses everything with the exception of reprinting the best test pattern". Upon review by the conferees, it is determined the Takahashi reference is vague as to whether the best test pattern is reprinted, i.e. the Takahashi reference may or may not reprint the best test pattern. The Michel reference overcomes the ambiguity of the Takahashi reference by clearly making a determination to reprint the best pattern amongst a group of patterns, and therefore is considered appropriate in combination with the Takahashi reference.

Conferees:

Stephen Meier 

David Blum 

Julian Huffman 


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER